

RECEIVED
CENTRAL FAX CENTER

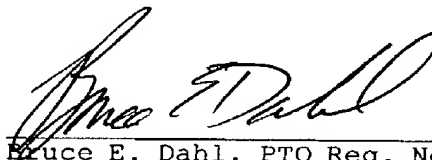
SEP 22 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
AKERS, Douglas, W)
5 Serial No. 09/932,531) Examiner: Palabrica, R.J.
Filing Date: October 10, 2002) Group Art Unit: 3641
10 For: APPARATUS FOR PHOTON) Conf. No.: 4276
ACTIVATION POSITRON)
ANNIHILATION ANALYSIS)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

15 I hereby certify that the attached INTERVIEW SUMMARY UNDER
37 C.F.R. §1.133 is being facsimile transmitted to the U.S.
Patent and Trademark Office, Fax. No. (703) 872-9306, on this
22nd day of September 2004.



Bruce E. Dahl, PTO Reg. No. 33,670

issuance of the July 8, 2004 office action (the 5th office action following the submission of claim 22) does the Office now object the drawings.

5 Applicant's counsel also noted that the two additional publications (Gedcke and Simon) cited by the Office in the July 8, 2004, office action contain no evidence of a publication date. The only date listed by the Office is contained in the PTO Form 892 and identifies only the download date of June 26, 2004.

10 As additional evidence for Applicant's conclusion that the prosecution of this application is experiencing undue delay, Applicant's counsel also briefly discussed the proceedings in a divisional application, serial no. 10/269,807 (currently on appeal), being handled by the same examiner. The prosecution in that divisional application has been similarly lengthy and has
15 experienced similar difficulty in advancing the issues to the appeal stage.

20 Examiner Carone stated that he would have the Office withdraw the July 8, 2004, office action and issue a new office action. He also stated that the new office action would not contain an objection to the drawings and would address the date issue relating to the two undated publications. Examiner Carone stated that he believed that such a new office action would be issued before October 1, 2004. Applicant's counsel stated that he would prepare this interview summary.

25 Respectfully submitted,

DAHL & OSTERLOTH, L.L.P.

By: 

Bruce E. Dahl

30 PTO Registration No. 33,670
555 Seventeenth Street, Suite 3405
Denver, CO 80202
(303) 291-3200

Date: 9-22-04